



**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE CONFERENCE of the NATIONAL
ASSOCIATION for the ADVANCEMENT of
COLORED PEOPLE, et al.,

Plaintiffs,

v.

WILLIAM LEE, in his official capacity as Governor of
the State of Tennessee, et al.,

Defendants.

Civil No. 3:20-cv-01039

JUDGE CAMPBELL
MAGISTRATE JUDGE
FRENSLEY

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUR-REPLY IN OPPOSITION OF
DEFENDANTS' EMERGENCY MOTION FOR A STAY OF PERMANENT
INJUNCTION PENDING APPEAL**

Plaintiffs respectfully move this Court for leave to file a sur-reply to address late-disclosed evidence that came to light during Plaintiffs' depositions of Defendant Goins and the Rule 30(b)(6) representative of the Elections Division on June 18. It has become apparent that Defendants withheld documents highly material to the assertions in their stay motions at this Court and at the Sixth Circuit Court of Appeals. Despite Defendants' ongoing obligation to supplement their productions under Rule 26(e)(1)(a), these documents apparently would not have been disclosed in time to use in briefing the stay motions if Plaintiffs had not learned of their existence during depositions on June 18 and subsequently demanded their production.¹ All of these documents were

¹ At the parties' meeting on May 1, 2024 to discuss a joint proposal on the terms of the Court's injunction on Count 6, counsel for Plaintiffs asked counsel for Defendants to more regularly supplement their disclosures. Defendants refused, insisting that they would continue to provide documents on a "quarterly basis." Defendants Election Division last supplemented their productions on March 15, 2024. Defendants had not supplemented since until Plaintiffs demanded these specific documents after the depositions on June 18.